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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/104,297	06/24/1998	RICHARD JAMES HUMPLEMAN	2810-044	4083

7590 01/10/2002
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EXAMINER

BASHORE, WILLIAM L

ART UNIT	PAPER NUMBER
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2176

DATE MAILED: 01/10/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/104,297

Applicant(s)
Humpleman et al.

Examiner
William L. Bashore

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Oct 18, 2001
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 20) ☐ Other:

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DETAILED ACTION

1. This action is responsive to communications: CPA filed on 10/18/2001 to the original application filed on 6/24/1998, with acknowledged provisional application filing dates of 9/22/1997, and 6/25/1997.
2. Applicant's submission of Declaration Of Prior Invention under 37 C.F.R. 1.131, submitted on 10/18/2001 as paper #13, has been acknowledged by the Examiner. It is the Examiner's understanding that Applicant swears behind the date of 6/10/1997.
3. The rejection of claims 1-4, 6, 8 under 35 U.S.C. 103(a) as being unpatentable over Corcoran and Venkatraman has been withdrawn as necessitated by amendment (paper #13).
4. The rejection of claims 5, 7 under 35 U.S.C. 103(a) as being unpatentable over Corcoran, Venkatraman, and Reber has been withdrawn as necessitated by amendment (paper #13).
5. Claims 1-8 are pending in this case. Claim 1 is an independent claim.

Continued Prosecution Application

6. The request filed on 10/18/2001 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09/104,297 is acceptable and a CPA has been established. An action on the CPA follows.

Drawings

7. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

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Double Patenting

8. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321© may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

9. **Pending claims 1-8 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 5, 8 of Humpleman et al. U.S. Patent No. 6,198,479 (hereinafter Humpleman '479). Although the conflicting claims are not identical, they are not patentably distinct from each other because of the following:**

In regard to pending independent claim 1, claims 5, 8 of Humpleman '479 teaches:

- an interface for accessing home devices in a home network, as well as device buttons on a GUI browser incorporating an HTML interface page describing said devices, said buttons reflective of device links (see claim 5 of Humpleman '479; compare with pending claim 1 "A method for providing....comprising the

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steps of, “*creating a device link page....identified in the device link file*”, “*associating a hyper-text link with each device button....with the device button*”, and “*displaying the device link page on a browser based home device.*”).

- claim 5 of Humpleman ‘479 does not specifically teach a device link file. However, this limitation would have been obvious to one of ordinary skill in the art at the time of the invention, in view of Humpleman ‘479, because claim 8 of Humpleman ‘479 teaches a home device capabilities file, suggesting the embedding of device link information into the source code of HTML (see claim 8 of Humpleman ‘479; compare with pending claim 1 “*a device link file*”), providing the advantage of device listings for a page.

In regard to pending dependent claims 2-3, claim 1 of Humpleman ‘479 teaches detection of home devices, as well as device names, and device buttons indicative of various devices (see claim 5 of Humpleman ‘479; compare with pending claims 2-3).

In regard to pending dependent claims 4-5, 7, Humpleman ‘479 does not specifically teach logos and associated icons. However, these limitations would have been obvious to one of ordinary skill in the art at the time of the invention, in view of Humpleman ‘479, because claim 5 of Humpleman ‘479 teaches device buttons associated with a home device, suggesting icons/logos associated with said devices, providing the advantage of brand advertizing (see claim 5 of Humpleman ‘479; compare with pending claims 4-5, 7).

In regard to dependent claims 6, 8, Humpleman ‘479 does not specifically teach a URL. However, this limitation would have been obvious to one of ordinary skill in the art at the time of the invention, in view of Humpleman ‘479, because claim 5 of Humpleman ‘479 teaches a browser based network GUI with

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buttons associated with devices, which suggests a URL based TCP/IP network (see claim 5 of Humpleman '479; compare with pending claims 6, 8), providing the advantage of a familiar network system.

Claim Rejections - 35 USC § 103

10. **The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:**

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. **Claims 1-4, 6, 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Venkatraman et al. (hereinafter Venkatraman), U.S. Patent No. 5,956,487 issued September 1999, in view of Hanson, U.S. Patent No. 6,148,346 issued November 2000.**

In regard to independent claim 1, Venkatraman teaches:

- a home automation network comprising an interface for accessing connected home devices (Venkatraman Figure 3, column 3 lines 27-33; compare with claim 1 "*A method for providing....comprising the steps of*").

- Venkatraman does not specifically teach a device link file associated with connected home devices. However, Hanson teaches a GUI displaying a list of available network devices (Hanson Figure 5, column 5 lines 36-40; compare with claim 1 "*generating a device link file, wherein the device link file identifies home devices that are currently connected to the home network*"). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Hanson to Venkatraman, because of Hanson's

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taught advantage of itemizing, so as to provide Venkatraman a way to indicate all available devices on a network.

- a self contained home network comprising inter-communication links and a web browser enabling communication with a set of devices (Venkatraman Figures 2, 3, column 5 lines 29-40, 46-51; compare with claim 1 *"creating a device link page from at least the local network"*). Venkatraman does not specifically teach a device button for each identified home device. However, Hanson teaches communication between various devices utilizing a set of GUI buttons (a device link page). The "Available Printers" GUI button can represent any one of a set of printer devices selected by a user (Hanson Figures 3-5, column 5 lines 25-40; compare with claim 1 *"wherein the device link page contains a device button that is associated with each home device that is identified in the device link file"*). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Hanson to Venkatraman, because of Hanson's taught advantage of visual presentation, so as to provide Venkatraman a way to visually access all devices available on a home network.

- a set of user interface functions written in HTML, said functions associated with a device on a network (Venkatraman Figure 3, column 5 lines 36-42; compare with claim 1 *"associating a hyper-text link with each device button....that is associated with the device button"*).

- display of device information on a network browser (Venkatraman Figure 3; compare with claim 1 *"displaying the device link page on a browser based home device."*).

In regard to dependent claims 2-4, Venkatraman teaches a home device connected to a home network, as well as a link page. Venkatraman does not specifically teach associating/retrieving a logical name stored in a device link file, as well as icons. However, Hanson teaches a listing of available devices, each

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device comprising a logical name (ie. HDE/Meister, HDE/Gerry), to which a device is user selected and is represented by various GUI buttons associated with a status icon (Hanson Figures 3-5, column 5 lines 25-40; compare with claims 2-4). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Hanson to Venkatraman, because of Hanson's taught advantage of user selection, providing Venkatraman a way to customize a home network.

In regard to dependent claim 6, Venkatraman teaches a home based network enabling a web browser to access user interface functions via URL's, said URL's can be embedded within an appliance (Venkatraman column 5 lines 29-42, column 8 lines 1-8; compare with claim 6).

In regard to dependent claim 8, Venkatraman teaches a method whereby web server queries a device, and in response, the targeted device transfers an HTML file that defines its device web page (Venkatraman column 7 lines 37-46; compare with claim 8).

12. Claims 5, 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Venkatraman and Hanson as applied to claim 1 above, and further in view of Reber et al. (hereinafter Reber), U.S. Patent No. 5,398,726 issued August 1999.

In regard to dependent claims 5, 7, Venkatraman teaches a user defined area (Venkatraman Figure 3). Venkatraman does not specifically teach a method of receiving a device logo from a home device. However, Reber teaches a method of displaying a graphical logo relating to a device onto a browser screen (Reber Figure 3; compare with claims 5, 7). It would have been obvious to one of ordinary skill in the art at

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the time of the invention to apply the logo method of Reber to the list and button GUI of Venkatraman/Hanson, because of Reber's taught advantage of graphical logos, providing increased device recognizability to the method as taught by Venkatraman/Hanson.

Response to Arguments

13. Applicant's arguments with respect to claims 1-8 have been considered but are moot in view of the new ground(s) of rejection.

14. **Prior art made of record and not relied upon is considered pertinent to disclosure.**

Langberg, Mike, IBM package lets PC run home Automation kit can operate systems, start and stop appliances, Milwaukee Journal Sentinel, Milwaukee, February 9, 1997, pp. 9-10.

Conclusion

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William Bashore whose telephone number is (703) 308-5807. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon, can be reached on (703) 308-5186.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

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16. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 746-7239 (for formal communications intended for entry)

or:

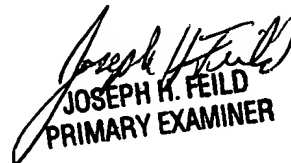
(703) 746-7240 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

or:

(703) 746-7238 (for after-final communications)

**Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA, Fourth Floor (Receptionist).**

William L. Bashore
01/07/2002


JOSEPH H. FEILD
PRIMARY EXAMINER